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★ STATE BALLOT QUESTION PETITIONS

GOVERNMENT
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★ Office of the Secretary of State
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224/329



The Commonwealth of Massachusetts

Office of the Secretary of State
Michael J. Connolly, Secretary

1989

Elections Division
727-2828

A GUIDE FOR CIRCULATING PETITIONS

The people have the right to affect the state laws by which they are governed. One way is through the use of a petition for a ballot question. There are four types of petitions to place questions on state ballots available for public use in Massachusetts.

What Kind of Petition Do You Want?

If you want to:

- submit a proposed law to the voters for their approval or rejection or repeal/amend a particular section of an existing law, file an initiative petition for a law.
- submit a proposed constitutional amendment to the voters for approval or rejection, file an initiative amendment petition.
- have a law enacted by the General Court repealed by the voters, file a referendum petition.
- submit instructions to the senator or representative from a district on a non-binding question of public policy, file a public policy petition.

A detailed summary of the requirements for each type of petition is available. A summary may be obtained from the Elections Division.

Before collecting any signatures, read all of the instructions carefully. It would be wise to seek knowledgeable assistance in writing the petition.

CERTIFIED SIGNATURES

Regardless of which petition you circulate, all signatures must be those of voters registered in Massachusetts and these signatures must be certified by a majority (at least three) of the local registrars of voters or election commissioners in the city or town in which the signatures are collected.

The final date for filing public policy petitions with local registrars is four weeks prior to the final filing date with the State Secretary. For initiative and referendum petitions, the final date is fourteen days before, except that Boston requires filing only 10 days prior to filing with the State Secretary. Since this is always a Sunday, in practice, the actual filing deadline for Boston is 5 p.m. Monday or 9 days prior to the state filing deadline for initiative petitions.

File as early as possible. Petitioners should not wait until the final date for filing with local registrars, if possible. It is the petitioners' responsibility to get the petitions to local registrars in time and to pick up the certified forms and file them with the State Secretary no later than 5 p.m. on the required filing date.

In order to be certified, all signatures on petitions must be legible and signed in person, substantially as registered, by voters in the district and with complete address, both the address on January 1, or the address at the time of registration if registered after that date, and the current address. If the addresses are the same, signers need not fill in the second column, but they should not use ditto marks or write "ditto".

HOW TO WRITE YOUR NAME

Inserting or omitting a middle name or initial will not invalidate a name, but voters should not use nicknames or initials in place of a given name. A married woman should sign as Helen Smith, not Mrs. John Smith. To avoid challenge it is wise to consult a voting list. Voters who are unsure of the way they are registered may sign on consecutive lines and the valid name will be certified. A signature will be certified if it can be reasonably identified as that of a registered voter.

ERRORS AND ERASURES

If a voter makes an error the line should be left intact and the voter asked to sign name and address again on the next line. An altered or illegible signature may be disallowed or challenged.

SIGN FOR YOURSELF

No person may sign for another unless authorized to do so by a voter who is physically disabled and unable to sign personally.

Each petition should contain signatures of registered voters from only one city or town. Registrars cannot certify names from communities other than their own.

COLLECT MORE SIGNATURES THAN REQUIRED

Collect more signatures than required because many may be disallowed in the certification process. Registrars are required by law to certify at least the number required plus two-fifths more. Protests and challenges may reduce the number that are certified, so it is important to have additional signatures.



The Commonwealth of Massachusetts

Office of the Secretary of State
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Petition Series A
Elections Division
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INITIATIVE PETITION FOR A LAW

If you want to submit a proposed law to the voters for their approval or rejection, file an initiative petition for a law. The initiative petition may also be used to propose a law seeking to repeal or amend a particular section of an existing law.

HOW TO ORIGINATE AN INITIATIVE PETITION FOR A LAW

Ten qualified voters of the Commonwealth may draw up and sign an original petition on which they put forward the full text of the laws they want enacted. Each of the ten original signers must obtain certificates of voter registration from the board of registrars or election commission in the city or town where they are registered voters. The certificate must be signed by at least three registrars. These certificates and the original petition are then submitted to the Attorney General.

EXCLUDED SUBJECTS

The Attorney General is ultimately responsible for deciding if the petition is valid or if it falls within excluded matters and will be disallowed. The Constitution outlines the excluded matters as anything that relates to religion, judges, the courts, particular localities of the Commonwealth, specific appropriations, and certain provisions of the bill of rights.

Any petitions judged by the Attorney General as substantially the same as a petition which appeared on the ballot in any of the preceding four years will be disallowed.

PRINTING OF PETITIONS

If the Attorney General finds that the petition is acceptable, he prepares a summary and returns this summary and the petition to the petitioners, who file both with the Secretary of the Commonwealth. Within fourteen days after receiving the papers from the original petitioners, the Secretary prepares, for the petitioners to pick up at his office, initiative petition forms with the summary printed thereon for the voters to sign.

HOW MANY SIGNATURES ARE REQUIRED

In order to come before the General Court the petition must contain certified signatures at least equal to 3% of the total vote cast (excluding blanks) for all candidates for governor at the last state election. This means that the initiative through 1990 must be signed by a minimum of 50,525 certified voters. No more than one-quarter of the certified signatures may come from any one county (through 1990 this figure is 12,631).

THE PETITION COMES BEFORE THE GENERAL COURT

After signatures have been certified and petitions filed, the Secretary transmits the initiative petition to the House clerk for legislative action. The initiative petition must be heard by the committee to which it is referred and a report issued. Any legislative action on the petition must be taken by each branch of the General Court by the first Wednesday in May. The initiative may not be amended by the General Court. If the General Court approves the initiative and either the governor signs it or it is passed over his veto by a two-thirds vote of both houses, it becomes law. In a rarely used procedure, if the General Court rejects the proposed initiative, it may formulate a legislative proposal of its own, to be grouped on the ballot with the initiative measure as an alternate choice.

HOW TO GET THE PETITION ON THE BALLOT

If the petition is rejected by the General Court or if the General Court fails to act, it may be amended, in an infrequently used process, by a majority of the 10 signers of the petition, subject to the approval of the Attorney General that the amendment is perfecting in nature and does not materially change the substance of the measure.

The petitioners may force the original or amended petition on the ballot at the next regular state election by submitting a written request to the Secretary for additional petition forms and then collecting a required number of additional certified signatures on these forms. The signatures of an additional 1/2 of 1% of the vote cast for governor must be filed with the Secretary (through 1990, this is 8,421). The same provision that no more than 1/4 of these signatures may come from one county prevails (through 1990, this is 2,105).

HOW PASSED

To be passed by the electorate the initiative law requires that at least 30% of the voters who cast ballots in the election vote in the affirmative on the question, and that a majority of the ballots cast on the question be affirmative.

Legal References: Articles XLVIII, LXXIV, and LXXXI of the Amendments of the Massachusetts Constitution.

Massachusetts General Laws Chapter 53, sections 22A, 22B;
Chapter 54, sections 48, 49, 53, 54.

CALENDAR

<u>CALENDAR OF EVENTS</u>	<u>STATUTORY DEADLINES</u>	<u>DATES</u>
Submission of petition to Attorney General by 10 original signers	By 1st Wednesday of August	August 2, 1989
Filing of petition with Secretary of the Commonwealth by original petitioners	Not before the 1st Wednesday of September	September 6, 1989
Secretary has petition forms prepared for collection of required number of signatures	No later than 14 days after filing with Secretary	September 20, 1989
Filing of petitions with local registrars for certification	By 14 days before 1st Wed. of December. (Except Boston which has 10 <u>prior</u> days)	November 22, 1989 (November 27, 1989)
Filing certified petitions with Secretary	By 1st Wednesday of December	December 6, 1989
Transmittal of petitions to House Clerk by Secretary	First legislative day of year	January 3, 1990
Legislative action	By 1st Wednesday of May	May 2, 1990
A majority of the 10 original signers may amend the petition	By 1st Wednesday of June	June 6, 1990
Collection and filing of additional 1/2% signers with local registrars for certification	After 1st Wednesday of May and by 14 days before 1st Wednesday of July (Except Boston which has 10 prior days.)	June 21, 1990 (June 25, 1990)
Filing with Secretary of additional 1/2% to put petition on ballot if General Court fails to enact measure	Not before 1st Wednesday of June and by 1st Wednesday of July	June 6, 1990 July 5, 1990
State Election Day	1st Tuesday after the 1st Monday in November	November 6, 1990
Law takes effect	Thirty days after election or upon date provided if later	December 6, 1990
Ask for accompanying instructions - <u>A Guide for Circulating Petitions</u>		



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The Commonwealth of Massachusetts

Office of the Secretary of State
Michael J. Connolly, Secretary

1989

Petition Series B
Elections Division
727-2828

INITIATIVE PETITION FOR A CONSTITUTIONAL AMENDMENT

If you want to submit a proposed constitutional amendment to the voters for approval or rejection, file an initiative amendment petition.

HOW TO ORIGINATE AN INITIATIVE AMENDMENT PETITION

Ten qualified voters of the Commonwealth may draw up and sign an original petition with the full text of the constitutional amendment they want enacted. Each of the ten original signers must obtain certificates of voter registration from the board of registrars or election commission in the city or town where they are registered voters. The certificate must be signed by at least three registrars. These certificates and the original petition are then submitted to the Attorney General.

EXCLUDED SUBJECTS

The Attorney General is ultimately responsible for deciding if the petition falls within excluded matters and will be disallowed. The Constitution outlines the excluded matters as anything that relates to religion, judges, the courts, particular localities of the Commonwealth, specific appropriations, and certain provisions of the State Declaration of Rights.

Substantially the same petition cannot have appeared on the ballot at either of two immediately preceding biennial state elections.

PRINTING OF PETITIONS

If the Attorney General finds that the petition is acceptable, he prepares a summary and returns the summary and the petition to the petitioners. The petitioners then file both the summary and the petition with the Secretary of the Commonwealth. Within 14 days after receiving the papers from the original petitioners, the Secretary prepares initiative petition forms with the summary printed thereon for voters to sign.

HOW MANY SIGNATURES ARE REQUIRED

In order to come before the state Legislature, the petitions must contain certified signatures equal to 3% of the total vote cast (excluding blanks) for all candidates for governor at the last state election. This means that through 1990, the initiative amendment petitions must be signed by a minimum of 50,525 certified voters. No more than 1/4 of the certified signatures may come from any one county (through 1990, this figure is 12,631).

THE PETITION COMES BEFORE THE LEGISLATURE

After the required certified signatures are filed, the Secretary transmits the petition to the House clerk for legislative action.

Initiative amendments are acted upon by joint sessions of the House and Senate sitting together. The amendment must be "laid before" the joint session by the second Wednesday of May and may be amended by a three-fourths affirmative majority vote. By a majority vote the Legislature may formulate a proposal of its own, to be grouped on the ballot with the initiative amendment as an alternative choice.

LEGISLATIVE ACTION --- WHAT HAPPENS?

The initiative amendment must be placed on the ballot if, in joint sessions held by two successfully elected Legislatures, the petition wins the support of at least 25% (50) of the 200 legislatures (40 senators and 160 representatives). The initiative amendment to the constitution is dead if it does not receive the 25% in either joint session.

HOW PASSED

To be passed by the electorate the initiative amendment petition requires that at least 30% of the voters who cast ballots in the election vote in the affirmative on the question, and that a majority of the ballots cast on that question be affirmative.

Legal references: Articles XLVIII, LXXIV, and LXXXI of the Amendments to the Massachusetts Constitution.

Massachusetts General Laws Chapter 53, sections 22A, 22B;
Chapter 54, sections 48, 49, 53, 54.

CALENDAR

CALENDAR OF EVENTS

STATUTORY DEADLINES

DATE

Submission of petition to Attorney General by 10 original signers

By 1st Wednesday of August

August 2, 1989

Filing of petition with Secretary of the Commonwealth by original signers

Not before the 1st Wednesday of September

Sept. 6, 1989

Secretary has petitions forms prepared for collection of required number of signatures

No later than 14 days after filing with Secretary

Sept. 20, 1989

Filing of petitions with local registrars for certification

By 14 days before filing deadlines with Secretary (except Boston which has 10 prior days)

Nov. 22, 1989
(Nov. 27, 1989)

Filing of certified petitions with Secretary

By 1st Wednesday of December

Dec. 6, 1989

Transmittal of petitions to House Clerk by Secretary

First legislative day of the year

Jan. 3, 1990

Legislative action - joint session

Must be "laid before" joint session by 2nd Wednesday in May. If approved by at least 25% (50 votes) of legislature, it is held for the next elected legislature. If not it is dead.

May 9, 1990

Legislative action - next elected legislature in joint session

1991 or 1992

State Election Day (if amendment passes 2 sessions)

First Tuesday after the 1st Monday in November

Nov. 3, 1992

Amendment takes effect

Date of certification of election results or upon date provided if later

Ask for accompanying instructions - A Guide for Circulating Petitions



The Commonwealth of Massachusetts

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1989
Petition Series C
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REFERENDUM PETITION

If you want to have a law enacted by the General Court repealed by the voters, file a referendum petition. A referendum petition can only be used to repeal an entire law; it cannot be used to repeal a section of a law.

HOW TO ORIGINATE A REFERENDUM PETITION

Ten qualified voters of the Commonwealth may draw up and sign an original petition on which they correctly identify the law they want repealed. Each of the ten original signers must obtain certificates of voter registration from the board of registrars or election commission in the city or town where they are registered voters. The certificate must be signed by at least three registrars. These certificates and the original petition are then submitted to the Secretary of the Commonwealth.

EXCLUDED SUBJECTS

The Constitution outlines the excluded matters as anything that relates to religion, judges, the courts, particular localities of the Commonwealth, and state appropriations. The Attorney General prepares a summary of the act to be repealed. Within 14 days after receiving the summary from the Attorney General, the Secretary of the Commonwealth prepares referendum petition forms with the summary printed thereon for voters to sign.

HOW MANY SIGNATURES ARE REQUIRED?

The law will be suspended from taking effect when the referendum petition is filed, if the petition so requests, unless the law has been declared an emergency law by the governor or by two-thirds of each house of the legislature. In order to come before the voters the referendum petition must be signed by specific numbers of certified voters computed as percentages of the total vote cast (excluding blanks) for all candidates for governor at the last state election. To suspend a law, the referendum must be signed by 2% of the voters. This means that until 1990, the petition must be signed by a minimum of 33,683 certified voters. If the referendum is sought on an emergency law, which is not suspendable, or on a law whose suspension is not requested, the required signature percentage drops to 1 1/2% (until 1990, this figure is 25,263). No more than 1/4 of the certified signatures may come from any one county (until 1990, this figure is 8,421 for a referendum in which suspension is sought, 6,315 for a referendum on an emergency act or an act on which suspension is not sought).

HOW PASSED

For a law passed by the General Court to be disapproved by the electorate, the referendum petition requires that at least 30% of voters who cast ballots in the election must vote against the law passed by the legislature and that at least half of those voting on the question vote against the law.

Legal References: Articles XLVIII, LXVII, LXXIV, and LXXXI of the Amendments to the Massachusetts Constitution.

Massachusetts General Laws Chapter 53, Sections 22A, 22B; Chapter 54, Sections 48, 49, 53, 54.

CALENDAR

CALENDAR OF EVENTS

Submission of petition to State Secretary
by 10 original signers

Secretary prepares petition forms for
collection of required number of signa-
tures

Filing of petitions with local registrars
for certification

Petitions with certified signatures are
filed with Secretary

Submitted to voters. Suspended law
immediately null and void if law
disapproved.

If voters approve, suspended law becomes
effective. If they do not approve, non-
suspended law is repealed.

*If a deadline falls on a Saturday, Sunday, or legal holiday, the deadline is the next weekday.
Check with the Elections Division for exact dates.

Ask for accompanying instructions – A Guide for Circulating Petitions.

STATUTORY DEADLINES*

No later than 30 days after act is
signed by Governor (or passed over
his veto).

Within 14 days after summary is
prepared by Attorney General.

By 14 days before filing deadline
with Secretary (except Boston
which has 10 prior days).

Within 90 days after act is signed
by Governor (or passed over his veto).

First state election 60 or more
days after filing certified petitions
with Secretary.

30 days after election.



The Commonwealth of Massachusetts

Office of the Secretary of State
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1988 - 1989
Petition Series D
Elections Division
727-2828

PETITION FOR A PUBLIC POLICY QUESTION

If you want to submit instructions to the state senator or state representative from a district on a non-binding question of public policy, file a public policy petition.

HOW TO ORIGINATE A PUBLIC POLICY QUESTION

Two hundred (200) voters in a state representative district and twelve hundred (1,200) voters in a state senatorial district can put a question of public policy on the ballot at the next regular state election in their respective districts.

WHERE TO GET THE FORMS

In the Office of the Secretary of the Commonwealth special forms must be obtained by the petitioners with space designated for starting the public policy question.

EXCLUDED MATTERS

The same question cannot have been submitted to the voters in the previous state election. No more than three public policy questions may appear on a single ballot. The Attorney General determines if the question is one of public policy. The Attorney General's decision, in the absence of bad faith, is final and not reviewable in court.

FINAL FORM OF QUESTION

The Secretary and the Attorney General draft the final form in which the question will appear on the ballot.

HOW PASSED

The question must receive a majority of all votes cast at the election in the respective district to constitute an instruction to the legislator.

WHAT FORCE DOES A PUBLIC POLICY QUESTION HAVE

A question of public policy is not binding upon the vote of the legislator on that issue. Former Attorney General Paul A. Dever wrote that a public policy question "...was to afford an opportunity to the voters to apprise their senators and representatives of their sentiments upon important public questions".

Legal References: Massachusetts Constitution, Part I, Article XIX
Massachusetts General Laws Chapter 53, sections 19-22.

CALENDAR

CALENDAR OF EVENTS

Secretary has petition forms ready for the public.

Petitions must be filed with local registrars for certification.

Petitions must be filed with Secretary by the requisite number of voters according to district.

Question appears on ballots. The question is not binding and the results are advisory to the senator or representative.

STATUTORY DEADLINES

By the 15th Tuesday before the filing deadline with the Secretary.

By the 28th day before the filing deadline with the Secretary.

By the 1st Wednesday of August before the election at which the question is to be submitted.

State Election Day

DATES

April 24, 1990

July 5, 1990

August 1, 1990

Nov. 6, 1990

Ask for accompanying instructions - A Guide for Circulating Petitions.

